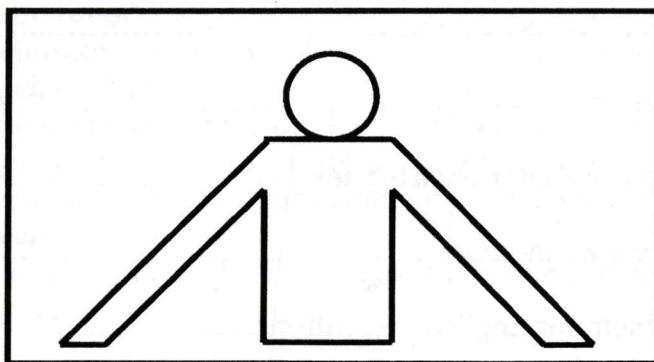


**DISCUSSION OF AMENDMENTS TO BILL 101 - THE CHARTER OF THE  
FRENCH LANGUAGE - IN AREAS DEALING WITH THE QUESTION OF**

## ***113(f) Status:***



***Institutions and  
language in Quebec***

**Monday, January 18, 1993**

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## A time for change

A limited and controlled process has been undertaken to examine changes to Quebec's language laws.

The Minister Responsible for the Charter of the French Language has requested that the Conseil de la langue française (an advisory and research body set up under Bill 101) present opinions on changes to five major areas of Bill 101. They are as follows:

- 1) "public signs, commercial advertising and signs relating to firm names"
- 2) "admission to English schools at the kindergarten, primary and secondary level"
- 3) "recognition accorded by article 113(f) of the Charter"
- 4) "traffic signs... where the use of a language other than French may be required for reasons of public security or health"
- 5) "French in firms which do not have to obtain a francization certificate"

In each of these areas, there are widely disparate views held on the nature and necessity of change. What we at Alliance Quebec seek is a full, frank and constructive discussion and evaluation of all the facts in each area under discussion. We want to take into account the hopes and fears of all residents of Quebec.

The government has recognized that there are problems with this legislation. The solutions can only really be found and achieved through consensus.

As a starting point for reaching that consensus we must begin by agreeing that these areas ought to be examined and that changes to this laws are not inconceivable.



## Introduction to 113(f)

A great number of health and social service, schools and municipal bodies in Quebec have served English-language clients for many years now.

Only one single paragraph in the Charter of the French language is set aside to deal with this kind of institution. It is section 113 paragraph (f).

113(f) status allows for the use of languages other than French in some educational and health & social services institutions, and in some municipal bodies. It is not more specific than that.

The Office de la langue française, has designated 218 institutions/ municipalities, or parts thereof, as having 113(f) status.

Recently, however, the government has considered whether criteria should be set down for revoking 113(f) status.

*The following is taken from a letter dated December 11, 1992, from Claude Ryan, Minister responsible for the Charter of the French language, to Mr. Pierre-Etienne Laporte, President, Conseil de la langue française. The Conseil has been asked to reply by March 31, 1993:*

**Given the objectives of the Charter, the preoccupation expressed in the preamble of the Charter with regards to minority rights, and the problems which might arise in a community as a result of the withdrawal of recognition accorded by article 113(f) of the Charter once this recognition has been granted to an organization, would it be desirable that the conditions for the withdrawal of a status be defined so as to take into account in particular the opinion of the concerned organization and the community it serves?**

## Charter of the French Language (Bill 101, 1977)

### Preamble

WHEREAS the French language, the distinctive language of a people that is in the majority French-speaking, is the instrument by which that people has articulated its identity;

Whereas the National Assembly of Québec recognizes that Québecers wish to see the quality and influence of the French language assured, and is therefore to make of French the language of government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business;

Whereas the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the ethnic minorities, whose valuable contribution to the development of Québec it readily acknowledges;

Whereas the National Assembly of Québec recognizes the right of the Amerinds and Inuit of Québec, the first inhabitants of this land, to preserve and develop their original language and culture;

Whereas these observations and intentions are in keeping with a new perception of the worth of national cultures in all parts of the earth, and of the obligation of every people to contribute in its special way to the international community;

### Section 113

The Office shall

- (a) standardize and publicize the terms and expressions approved by it;
- (b) establish the research programmes necessary for the application of this Act;
- (c) draft the regulations within its competence that are necessary for the application of this act and submit them for consideration to the Conseil de la langue française, in accordance with section 188;
- (d) define by regulation, the procedure for the issue, suspension or cancellation of the francization certificate;
- (e) assist in defining and preparing the francization programmes provided for by this act and to oversee the application thereof;
- (f) recognize, on the one hand, the municipal bodies, school bodies, health services and social services that provide services to persons who, in the majority, speak a language other than French, and, on the other hand, the departments that have charge of organizing or giving instruction in a language other than French in the school bodies.



## ADMINISTRATIVE POLICY

of the Office de la langue française regarding the status of a body in relation to paragraph f of Section 113 of the Charter of the French language (as Ratified 91-04-12)

### PART 1 - DIRECTING PRINCIPLE

A single principle must guide the Office de la langue française in the analysis of potential causes for recognition of bodies in light of paragraph f of section 113: it must have a majority of persons of a language other than French who receive the body's services. This majority must be absolute (50% plus one person) and must take into consideration only a single language of reference, that being the language of the linguistic group identified by the interested body.

Once this majority no longer exists, the Office must put an end to the recognition set out by the law. It has the implicit power in virtue of the article 113 paragraph f; the consistent position of the Office having been confirmed legally by the Superior Court.

### ANNEX 1 - LEGAL STATUS OF BODIES RECOGNIZED UNDER SECTION 113 F

The bodies of the Civil Administration that are recognized under article 113 paragraph f of the Charter have a particular legal status. It is thus that:

- 1) The bodies recognized can post signs in French and in another language but "with French predominant" (art.24). This is a particular status given by the legislator to these institutions which, otherwise, would be obliged to post only French signs (art.22).
- 2) The recognized bodies can use a bilingual name (art.26) unlike other institutions which are required to use only their French name (art.14).
- 3) The recognized bodies can use French and another language in their internal communications and in communications that they might

have with other recognized bodies (art.26). They can therefore be removed from the obligation imposed upon other non-recognized bodies to use only French in their written communications between themselves and their internal written communications (art.17 and 18).

- 4) The bodies recognized must institute an organizational policy of service in French. They must therefore ensure that their public services are available in French (art.23), contrary to the general rule that requires that all persons, in order that they might have access to a job in the Civil Administration, have a suitable knowledge of French for the designated functions of the job (art.20).
- 5) Recognized academic bodies, as well as the recognized services which, in non-recognized academic bodies, are charged with offering instruction in a language other than French can, in their pedagogical communications (art.28), use the language of instruction without having to use the official language at the same time.

This is an unofficial translation done in-house

### What the law means

Recognition under 113(f) of the Charter of the French Language may be obtained by some public institutions (hospitals, schools, municipalities) where more than half of their clients or residents receive services in a language other than French.

113(f) recognition makes it legally permissible for the institution or municipality:

- to use both an English and French name;
- to put up internal signs in English, with French predominant;
- to prepare internal communications in English as well as in French;
- and it permits individuals who do not have a detailed knowledge of French to hold positions in that institution (so long as the institution is able to provide services in French).



All public institutions in Quebec (113(f), or not) must offer services in French. 113(f) recognition merely permits recognized institutions to have some functioning in a language other than French.

According to the "administrative policy" of the Office de la langue française, these 113(f) bodies must be found to serve a minority language group that constitutes an absolute majority (50% plus one person) of those served. If this is found not to be the case, the Office must revoke the 113(f) status.

### **The problem for English institutions**

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Receiving recognition under 113(f) does not oblige an institution to implement any of the measures that 113(f) status permits.

Those public institutions which are recognized under article 113(f) are mostly those institutions which consistently provide English-language services, and an English-language environment. For example, a nursing home with 113(f) status could post English-language information about activities for the benefit of English-speaking residents. A non-113(f) status nursing home could not.

In order to achieve 113(f) status a majority of those being served must be found to be of one language group. In other words, a minority must be a majority in order to achieve 113(f) status.

Although the law is not specific about this criteria, the Office de la langue française has set this standard.

### **What this means to Quebec, and to you and me**

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The schools, municipalities and health and social service institutions that are presently recognized as 113(f) status institutions are able to function to some degree in English for the purposes of the English-language community that makes use of them.

Under the present administrative policy, as that community's size decreases or is further dispersed, the institutions ability to serve that community will be taken away.

Some traditionally English-language school boards, for example, could run the risk of having their ability to function in English withdrawn. As French-language clients steadily increase, other articles under Bill 101 are reducing the number of English-language students who can have access to the English system and therefore the likelihood of having a "majority" of English-language students is decreasing.

Furthermore, in health care institutions, such as nursing homes, the health care system's policy of placing residents from local neighborhoods in their local institutions puts the 113(f) status at risk. When English-speaking clients do not have the right to choose the institution they wish to use, the possibility of a certain number of institutions having the 113(f) status is greatly reduced.

With the loss of the 113(f) status for institutions serving Quebec's English-speaking community, that community loses its ability to control and manage its institutions.

### **By way of comparison . . .**

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In the province of Ontario a minority language population is required to account for 10%, or at least 5,000 people in a given district in order to oblige an institution to give services in the minority language - French.

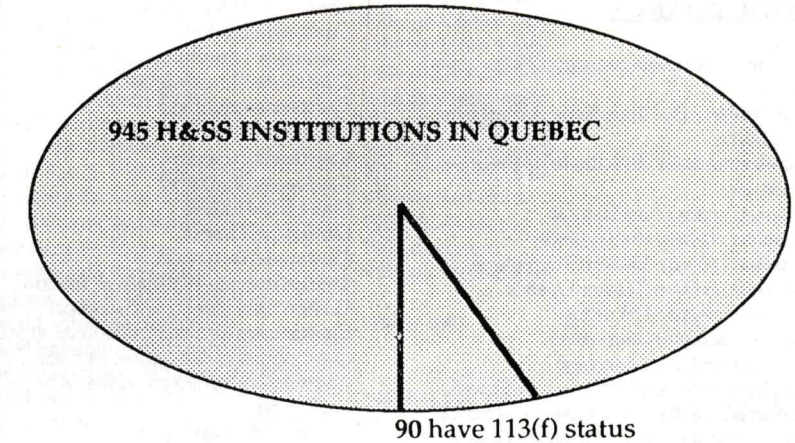
The Official Languages Act of Canada sets the minimum level at 5,000 clients in order to assure minority language services in Federal institutions which are situated in metropolitan areas.



**Linguistic Responsibilities of 113(f) Institutions  
According to The Charter of the French Language**

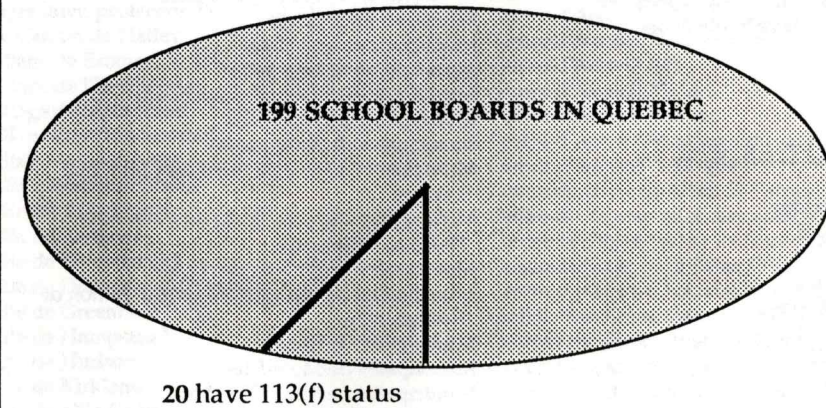
	NON 113(f) institutions	113(f)institutions
<b>Signs</b>	<b>French only</b> (English permitted for health or safety reasons)	French obligatory <i>English permitted</i>
<b>Designation (Name)</b>	<b>French only</b>	French obligatory <i>English permitted</i>
<b>Texts and documents for natural persons</b>	French obligatory <i>English permitted</i> English may be used exclusively if the institution is responding to a request that was made in English	French obligatory <i>English permitted</i>
<b>Texts and documents for artificial persons</b>	<b>French only</b>	<b>French only</b>
<b>Written internal communications</b>	French obligatory	Use of English is permitted, in addition to French
<b>Communications between public administrations</b>	<b>French only</b>	<b>French only</b> English permitted between two 113(f) institutions if French is also represented
<b>Notices of meetings, minutes of assemblies &amp; agendas</b>	French obligatory <i>English permitted</i>	French obligatory <i>English permitted</i>
<b>Traffic signs</b>	French only, or symbols and pictograms	French only, or symbols and pictograms
<b>Language of work</b>	Required knowledge of French as appropriate to function	Obligation of the institution to offer services to the public in French

**Health and Social Service Institutions in Quebec**  
Showing those that have 113(f) status



Overall numbers are from Gov. Qué. 1986

**School Boards in Quebec**  
Showing those that have 113(f) status



Overall numbers are from Gov. Qué. 1992



## List of 113(f) institutions

### SCHOOL BOARDS

Commission des écoles protestantes du grand Montréal  
Commission scolaire dissidente protestante Laurentienne  
Commission scolaire dissidente protestante de Baie-Comeau  
Commission scolaire du Littoral  
Commission scolaire du Saguenay  
Commission scolaire Eastern Townships  
Commission scolaire Greater Québec  
Commission scolaire Lakeshore  
Commission scolaire Laurentian  
Commission scolaire Laurensval  
Commission scolaire protestante de Rouyn  
Commission scolaire protestante St-Maurice  
Commission scolaire protestante de Greater Seven Islands  
Commission scolaire protestante de Chateauguay Valley  
Commission scolaire protestante district de Bedford  
Commission scolaire régionale Eastern Québec  
La commission scolaire Western Québec  
La commission scolaire dissidente catholique de Portage-du-fort  
La commission scolaire Gaspésia-les-Iles  
La commission scolaire South Shore

(Total 20)

### MUNICIPALITIES, ETC.

Canton de Stanbridge  
Canton d'Havelock  
Canton de Arundel  
Canton de Bristol  
Canton de Chichester  
Canton de Clarendon  
Canton de Dundée  
Canton de Elgin  
Canton de Gore  
Canton de Grenville

Canton de Harrington  
Canton de Hatley  
Canton de Hemmingford  
Canton de Hinchinbrook  
Canton de Litchfield  
Canton de Low  
Canton de Newport  
Canton de Stanstead  
Canton de Sutton  
Canton de Thorne  
Canton de Wentworth  
Canton unis de Waltham et Bryson  
Canton unis Alleyn et Cadwood  
Canton unis de Leslie, Clapham et Huddersfield  
Canton unis de Mulgrave-et-Derry  
Canton unis de Sheen, Esher, Aberdeen et Malakoff  
Cité de Côte-Saint-Luc  
Cité de Dorval  
La Municipalité du village de North-Hatley  
Municipalité d'Ogden  
Municipalité d'Ulverton  
Municipalité de Rapides-des-Joachims  
Municipalité de Saint-Georges-de-Clarenceville  
Municipalité de Blanc-Sablon  
Municipalité de Bolton-Est  
Municipalité de Bolton-Ouest  
Municipalité de Bonne-Espérance  
Municipalité de Bury  
Municipalité de Chelsea  
Municipalité de Escuminac  
Municipalité de Grande-Cascapédia  
Municipalité de Grosse-Ile  
Municipalité de Kazabazua  
Municipalité de la Côte-Nord du Golfe Saint-Laurent  
Municipalité de la partie est du Canton de l'Isle-aux-allumettes  
Municipalité du Canton de Hatley  
Municipalité de la partie sud-est du Canton de Restigouche  
Municipalité de Mayo  
Municipalité de Mille-Isles  
Municipalité de Morin Heights  
Municipalité de New Carlisle  
Municipalité de Noyan

## List of 113(f) institutions

Municipalité de Pontiac  
Municipalité de Saint-Jules  
Municipalité de Shigawake  
Municipalité du Canton de Potton  
Municipalité du Lac-Tremblant-Nord  
Municipalité du village d'Ayer's Cliff  
Municipalité du village d'Hatley  
Municipalité du village de Portage-du-fort  
Municipalité du village de Campbell's Bay  
Municipalité du village de Shawville  
Municipalité du village de Bryson  
Municipalité du village de Chapeau  
Municipalité régionale de Comté de Pontiac  
Office municipal d'habitation de Bryson  
Office municipal d'habitation de Pointe-Claire  
Office municipal d'habitation de Lennoxville  
Office municipal d'habitation de Westmount  
Office municipal d'habitation de Greenfield Park  
Office municipal d'habitation d'Otterburn Park  
Office municipal d'habitation de Hemmingford  
Office municipal d'habitation de Pincourt  
Office municipal d'habitation de Rosemère  
Office municipal d'habitation de Campbell's Bay  
Office municipal d'habitation de Shawville  
Office municipal d'habitation de Lac-Brome  
Paroisse de Très-Saint-Sacrement  
Régie Inter. des Bibliothèques Pierrefonds-Dollard-des-Ormeaux  
Régie Inter. protection incendies North-Hatley et Canton de Hatley  
Village de Brome  
Village de l'Île-d'Entrée  
Village de Melbourne  
Village de Métis-sur-mer  
Village de Senneville  
Ville d'Otterburn Park  
Ville de Baie d'Urfé  
Ville de Barkmere  
Ville de Beaconsfield  
Ville de Dollard-des-Ormeaux  
Ville de Greenfield Park  
Ville de Hampstead  
Ville de Hudson  
Ville de Kirkland  
Ville de L'Île Cadieux  
Ville de L'Île-Dorval

Ville de Lac Brome  
Ville de Lennoxville  
Ville de Mont-Royal  
Ville de Montréal-Ouest  
Ville de Pierrefonds  
Ville de Pincourt  
Ville de Pointe-Claire  
Ville de Rock Island  
Ville de Rosemère  
Ville de Roxboro  
Ville de Sutton  
Ville de Westmount

(Total 108)

### HEALTH AND SOCIAL SERVICE

Association Montréalaise pour les Aveugles  
Centre Butters Inc.  
Centre d'Accueil Sainte-Augustine Inc.  
Centre d'Accueil Chomedey  
Centre d'Accueil de la Grande Ligne Inc.  
Centre d'Accueil Denis-Benjamin Viger  
Centre d'Accueil Dixville Inc.  
Centre d'Accueil Father Dowd  
Centre d'Accueil Germain  
Centre d'Accueil Henri-Bradet  
Centre d'Accueil Héritage Inc.  
Centre d'Accueil Horizons de la Jeunesse  
Centre d'Accueil Juif  
Centre d'Accueil Miriam  
Centre d'Accueil Pontiac  
Centre d'Accueil St-Margaret  
Centre d'Accueil St. Brigid  
Centre de Jeunesse Mont St-Patrick Inc.  
Centre de Réadaptation Constance Lethbridge  
Centre de Réadaptation de l'ouest de l'île  
Centre de Santé de la Basse Côte-Nord  
Centre de Services Sociaux Ville-Marie  
Centre Hospitalier Gatineau Memorial  
Centre Hospitalier Bussey (Québec) Inc.  
Centre Hospitalier Bayview Inc.  
Centre Hospitalier de Sherbrooke  
Centre Hospitalier de St. Mary  
Centre Hospitalier Douglas

## List of 113(f) institutions

Centre Hospitalier et d'Accueil Heather Inc.	Hôpital Reddy Memorial
Centre Hospitalier Gériatrique Maimonides	Hôpital Reine Elizabeth de Montréal
Centre Hospitalier Juif de l'Espérance	Hôpital Royal-Victoria
Centre Hospitalier Thoracique de Montréal	Hôpital Santa Cabrini
Centre Local de Services Communautaires Côte-des-Neiges	Hôpital Institut Canadien-Polonais du Bien-Etre
Centre Local de Services Communautaires Lac-Saint-Louis	L'Asile des Dames Protestantes de Québec
Centre Local de Services Communautaires Parc-Extension	L'Hopital Shriners pour l'Enfant Infirme (Québec) Inc.
Centre Local de Services Communautaires Métro	Le Centre de Soins Prolongés de Montréal
Centre Mackay	Les Foyers Presbyteriens de St. Andrew Inc.
Centres de Jeunesse Shawbridge	Les Promotions Sociales Taylor-Thibodeau
Château sur le Lac Ste-Geneviève Inc.	Les Services Sociaux Juifs à la Famille de Montréal
Centre Local de Services Communautaires Notre-Dame-de-Grâce/ Montréal-Ouest	Maison de Santé Roxboro
Foyer Connaught	Maison de Santé Woodlawn Enr.
Foyer Grace Christian	Maison Elizabeth
Foyer Régat	Manoir Beaconsfield
Foyer Saint-Paul-de-Bury Inc.	Manoir Pierrefonds Inc.
Foyer Wales	Manoir Saint Joseph
Havre-Jeunesse	Pavillon Foster
Hôpital Catherine Booth de l'Armée du Salut	Résidence Ancestrale
Hôpital Chinois de Montréal	Résidence de Lachute
Hôpital communautaire du Pontiac	Résidence de Verdun Inc.
Hôpital de convalescents Julius Richardson Inc.	Résidence du Parc
Hôpital de Montréal pour Enfants	Résidence Griffith-McConnell
Hôpital des convalescents de Montréal Inc.	Résidence Moffat
Hôpital Général de Lachine	Résidence Nesbitt
Hôpital Général de Montréal	Résidence Patrician
Hôpital Général du Lakeshore	Résidence Rolling Hills Inc.
Hôpital Général Juif Sir Mortimer B. Davis	Villa Mont-Royal
Hôpital Grace Dart	Villa Ste. Geneviève (1986) Inc.
Hôpital Juif de Réadaptation	
Hôpital Mont-Sinai	
Hôpital Neurologique de Montréal	

(Total 90)

*This information kindness of  
the Office de la langue française*

## NOTES



*En résumé, l'Office de la langue française ne pouvait pas conclure automatiquement à partir des données apparaissant sous la rubrique "Caractéristiques de la population selon la langue maternelle" d'un recensement de Statistiques Canada, que la ville de Rosemère n'était plus éligible au statut prévu à l'art. 113(f), même si ces données indiquaient qu'une majorité absolue de la population de Rosemère, de 0 à 75 ans, était de la langue maternelle française.*

**L'Honorable Juge Paul Reeves**  
Cour Supérieure  
Jugement, le 24 août, 1990

*Once you have acquired such a status, it can't be disposed of lightly or based solely on an arithmetical formula.*

**Claude Ryan**  
*The Gazette*, April 15, 1992

*Lorsque les francophones ont en mains leurs institutions, comme au Nouveau-Brunswick et comme ça se fait partiellement en Ontario présentement, on s'aperçoit que le déclin du français est beaucoup moins sévère ou, comme au Nouveau-Brunswick, il n'y en a pas de déclin du français.*

**Raymond Bisson**  
président  
Fédération des communautés  
francophones et acadienne du Canada  
*La Presse*, 14 janvier, 1993

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